

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Sabrina Chin,)
)
v.) No. 08 Civ. 7349 (RJS)(KNF)
)
RCN Corporation,)

Notice of Appeal

Notice is hereby given that Thomas J. Lavery, one of the objector-intervenors in the above-captioned matter appeals to the United States Court of Appeals for the Second Circuit from the following Orders and Judgments and Adopted Reports and Recommendations:

- Order of the Honorable Richard J. Sullivan, United States District Judge, filed on July 20, 2009, referring this case to a magistrate judge for settlement (ECF# 23);
- Order of the Honorable Kevin Nathaniel Fox, United States Magistrate Judge, filed on September 15, 2009, scheduling a settlement conference (ECF # 32);
- Agreement and Order of District Judge Sullivan, filed on September 25, 2009, governing the treatment of confidential information (ECF # 33);
- Order of Magistrate Judge Fox, filed on October 9, 2009, scheduling a preliminary fairness review hearing (ECF # 34);
- Report and Recommendation of Magistrate Judge Fox, filed on March 12, 2009, recommending that District Judge Sullivan certify the proposed settlement class, appoint Sabrina Chin class representative, appoint

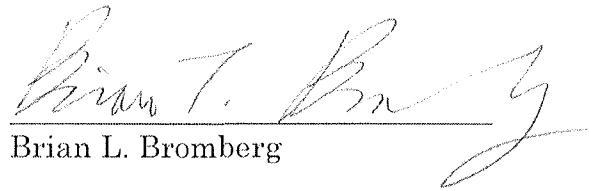
Reese Richman LLP counsel for the settlement class, preliminarily approve the Class Action Settlement Agreement, approve the Notice of Pendency and Settlement of Class Action, directing manner of notice, and scheduling a hearing for final approval (ECF # 38);

- Order of District Judge Sullivan, filed on March 29, 2010, adopting the Report and Recommendation of Magistrate Judge Fox, recommending that District Judge Sullivan certify the proposed settlement class, appoint Sabrina Chin class representative, appoint Reese Richman LLP counsel for the settlement class, preliminarily approve the Class Action Settlement Agreement, approve the Notice of Pendency and Settlement of Class Action, directing manner of notice, and scheduling a hearing for final approval (ECF # 40);
- Order of District Judge Sullivan, filed on June 3, 2010, denying the motion of Appellant Thomas Lavery, dated June 1, 2010, seeking permission to file a motion to intervene and that the June 4, 2010 settlement conference be adjourned to allow time for the motion to be filed (ECF# 53); and
- Memorandum and Order of District Judge Sullivan, filed on September 8, 2010, certifying the proposed class, which consists of all persons in the United States who, between August 19, 2003 and July 31, 2009, subscribed to RCN's broadband Internet service, appointing Sabrina Chin as class representative, appointing Michael R. Reese of Reese Richman LP

as class counsel, approving the Settlement Agreement (ECF # 31-2, as amended by ECF# 37-2), awarding attorney fees of \$520,000 and \$20,000 in costs to class counsel, awarding an incentive fee in the amount of \$3,000 to Sabrina Chim, overruling and rejecting the objections of Thomas J. Lavery and the other objector-intervenors, dismissing the case with prejudice, and directing the Clerk of the Court to close the case, for the reasons given in the Memorandum and Order (ECF# 58).

Dated: October 8, 2010
New York, New York

Respectfully submitted,



Brian L. Bromberg

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Certificate of Service

I, Brian L. Bromberg, an attorney, hereby certify that I caused the foregoing documents to be served on the following counsel of record on October 8, 2010, by regular first-class mail to:

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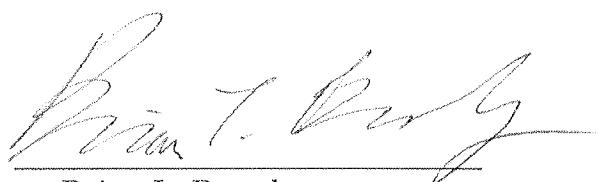
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Dated: New York, New York
October 8, 2010



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